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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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JASON AUS, JANIS AUS, and the ESTATE  
OF JEREMY AUS,,

Plaintiffs,

v.

NEWELL K. WHITNESALT LAKE  
COUNTY, JAMES WINDER, and John and  
Jane Does 1-10,Y, et al.,

Defendants.

MEMORANDUM DECISION AND ORDER  
GRANTING MOTION TO AMEND

Case No. 2:16-cv-266 JP

District Judge Jill Parrish

Magistrate Judge Brooke Wells

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Before the court is Plaintiffs' Second Motion to Amend Complaint.<sup>1</sup> Plaintiffs seek leave to file an amended complaint to add a claim of medical malpractice against Wellcon, Inc. Rule 15(a) of the Federal Rules of Civil Procedure provides that a party may amend its pleadings by leave of the Court, "and leave shall be freely given when justice so requires."<sup>2</sup>

Defendants do "not oppose Plaintiffs' Second Motion to Amend to add a medical malpractice claim against Wellcon, Inc.,...."<sup>3</sup> The parties do disagree, however, on the inclusion of the "DOPL Panel Opinion ... as an exhibit to Plaintiffs' Second Motion to Amend...."<sup>4</sup> This disagreement does not preclude the Court granting the motion to amend and it appears the "parties are currently working together to resolve this issue."<sup>5</sup>

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<sup>1</sup> Docket no. 45.

<sup>2</sup> *Foman v. Davis*, 371 U.S. 178, 182 (1962).

<sup>3</sup> Response p. 2, docket no. 46.

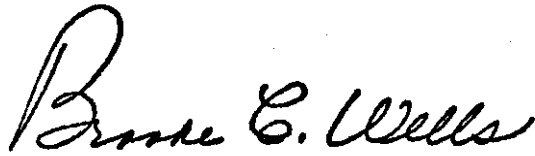
<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Accordingly, for good cause shown and on account of Defendants not opposing the motion, the Court hereby GRANTS the Second Motion to Amend Complaint.

IT IS SO ORDERED.

DATED this 17 May 2017.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter of "Brooke" is a large, stylized capital 'B'. The signature is positioned above a horizontal line.

Brooke C. Wells  
United States Magistrate Judge